IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WVMP NO. 993 of 2005

AND

WP NO.2548 of 2005

WVMP NO. 993 of 2005

Between:

1 The Asst. Divisional Engineer (O), CESS Ltd., Siricilla,

Karimnagar Dist.

Petitioner

(Respondent No.2 in W.P.No. 2548of2005
on the file of the High Court)

AND

1 Margam Sizing works, rep.by its Proprietor,

Smt.M.Nirmala W/o.M.Vishwanatham,
R/o.Ambhikanagar, Siricilla Town and Karimnagar Dist.
2 Margam Vishwanatham, S/o.M.Mallaiah,
R/o.22-43, Venkampet,
Siricilla Mandal, Karimnagar Dist.

Respondents

(Petitioners in W.P.No.2548 of 2005)

3 The Co-operative Electric Supply society Ltd.,

a project financed by REC Ltd., New Delhi,

Reg.No.748/TD (A Govt.of India concern), Siricilla,

Karimnagar Dist., rep.by its Special officer-Cum- Dist.,

Collector, Karimnagar Dist.

(R3 is not necessary party)

Respondent

(Respondent No.1 in W.P.No.2548 of 2005)

Petition under Section 151 CPC praying that in the circumstances stated in the counter affidavit filed in the Writ petition No.2548 of 2005 ,the High court will be pleased to vacate the order of interim stay dated 15.02.2005 passed in W.P.No.2548 of 2005

Counsel for the Petitioner: MR.P.V.NARAYANA RAO

Counsel for the Respondent Nos.1 and 2: MR.M.RAMA RAO

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WRIT PETITION NO : 2548 of 2005

Between:

1 Margam Sizing works, rep.by its Proprietor,

Smt.M.Nirmala W/o.M.Vishwanatham,
R/o.Ambhikanagar, Siricilla Town and Karimnagar Dist.

2 Margam Vishwanatham, S/o.M.Mallaiah,
R/o.22-43, Venkampet,
Siricilla Mandal, Karimnagar Dist.

..... PETITIONERS

AND

1 The Co-operative Electric Supply society Ltd.,

a project financed by REC Ltd., New Delhi,
Reg.No.748/TD (A Govt.of India concern), Siricilla,

Karimnagar Dist., rep.by its Special officer-Cum- Dist.,
Collector, Karimnagar Dist.

2 The Asst.Divisional Engineer (O), CESS Ltd., Siricilla,

Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in the nature of Mandamus; a) declaring the action of the respondents in directing the petitioners to pay an amount of Rs.3,39,330-00 as back billing energy charges through impugned notice dt.1-2-2005 on the ground that the units less billed due to adoption of multiplying factor -1 instead of multiplying factor -5 w.e.f.29-12-1996 to 31-1-2005, without any prior notice or intimation and contrary to the agreement already entered is arbitrary, illegal and the respondents are estopped in making bills adopting multiplying factor; b) to set aside the impugned notice dated 1-2-2005 bearing Ref.No.CESS/D.No.5/2005 issued by the respondent No.2 herein, c) granting all consequential benefits, d) awarding costs; or any other order or orders appropriate in the case may be passed.

Counsel for the Petitioners: MR.M.RAMA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.P.V.Narayana Rao

The Court made the following:

ORDER:-

After hearing the learned counsel for the petitioner and the learned counsel for the first respondent, the interim order in W.P.No.2548 of 2005, dated 15.02.2005, is made absolute, on condition of petitioner depositing a sum of Rs.65,000/- (Rupees Sixty five thousand only) within a period of three weeks from today. In case of default, the interim order passed, without any further order or reference of this Court, shall stand vacated, and it shall be open to the first respondent to initiate action against the petitioner.

After passing the above interim order in W.V.M.P.No.993 of 2005 the learned counsel for the petitioner and the learned counsel for the first respondent requested the Court to make the same as final giving liberty to the petitioner to avail arbitration under Section 62 of the A.P. Cooperative Societies Act, 1964, before appropriate Registrar of Cooperative Societies. The petitioner may seek redressal as above

within a period of three weeks from the date of receipt of a copy of this order and pay a sum of Rs.60,000/- (Rupees Sixty thousand only) to the first respondent as ordered above.

The Writ Petition is accordingly, disposed of.

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(V.V.S. RAO, J)

13.06.2005

VS

To

1 The Co-operative Electric Supply society Ltd.,

a project financed by REC Ltd., New Delhi,
Reg.No.748/TD (A Govt.of India concern), Siricilla,

Karimnagar Dist., rep.by its Special officer-Cum- Dist.,
Collector, Karimnagar Dist.

2 The Asst.Divisional Engineer (O), CESS Ltd., Siricilla,

Karimnagar Dist.

3 Two CCs to the G.P for Revenue, High Court of A.P.,

Hyderabad(O.U.T).

4 The Proprietor,

Smt.M.Nirmala W/o.M.Vishwanatham,

Margam Sizing works,
R/o.Ambhikanagar, Siricilla Town and Karimnagar Dist.

5 2 CD copies

6 1 CC to MR.RAMA RAO